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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,308	04/13/2007	Koji Hamada	SCEY 22.540 (100809-00325)	5094
26304 7590 04/29/2008 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER SHAH, TUSHAR S	
			ART UNIT 2184	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,308	Applicant(s) HAMADA ET AL.	
	Examiner TUSHAR S. SHAH	Art Unit 2184	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/12/2007; 4/13/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the application filed on 4/13/2007.

Status of Claims

Claims 1-14 are presented for examination. Claims 1, 8, 9 and 14 are in independent form.

Claim Objections

1. Claim 14 is objected to because of the following informalities: Claim 14 states in line 1, "A recording medium stored with a program..." This seems to suggest that the recording medium and program are stored somewhere together. The language should be altered to the effect of, "a recording medium having a program stored on it for operating a computer as an entertainment apparatus..." Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. US Patent No. 6,466,736 B1 (hereinafter Chen).

Referring to claim 1, Chen discloses, a relay unit (playback system 60, Chen column 5, lines 8-11) connecting one or a plurality of manipulation terminals or external storage units to an entertainment apparatus having at least a first mode (DVD mode, Chen column 6, lines 17-18) and a second mode (CD Mode, Chen column 6, lines 17-18) as operation modes;

said relay unit carrying out relay processing for the first mode when the entertainment apparatus is operating in the first mode (the DVD CD Controller detects whether the inserted media is a CD or a DVD and if DVD mode is detected it performs operations as defined by the DVD standards, Chen column 6, lines 30-37) while carrying out relay processing for the second mode when the entertainment apparatus is operating in the second mode (if it is a CD it performs operations for processing CD data, Chen column 6, lines 23-30).

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Chen does not appear to explicitly disclose, one or a plurality of manipulation terminals or external storage units.

However, one of ordinary skill in the art would recognize that the system in Chen is a DVD/CD playback system which, as is well known in the art, is operated by a remote control. Such a remote control allows a user to manipulate menus, make selections and affect the playback of they system (rewind, fast forward, pause etc.) and is therefore seen as meeting the limitation of a manipulation terminal.

The motivation for this would have been that remote controls are a standard piece of equipment for operating media players. Therefore the inclusion of such a device with the DVD/CD playback system of Chen would have been obvious.

As per claim 2, Chen discloses, the relay unit according to claim 1, wherein in at least either the case of changing from the first mode to the second mode or changing from the second mode to the first mode, a period in which neither relay processing for the first mode nor relay processing for the second mode is carried out for mode switching is provided (This limitations is seen as inherent. The invention disclosed in Chen requires a detection to be made as to whether a CD or a DVD is present in the drive prior to either of the processing blocks

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being activated. Therefore a switching would only occur when a disc was removed from the drive and a new one of the alternative type was inserted. In the period where the disc drive would be empty and in the initial detection period, neither of the processing blocks would be active, Chen column 6, lines 17-22).

As per claim 3, Chen discloses, the relay unit according to claim 2, wherein the duration of the period in which neither relay processing for the first mode nor relay processing for the second mode is carried out is defined according to a communication procedure with the entertainment apparatus (Steps 72, 74 and 76 define the playback system 60's start up and detection procedure during which neither the CD DSP nor the DVD DSP are active, Chen column 6, lines 4-22).

As per claim 4, Chen discloses, the relay unit according to claim 3, wherein the relay unit receives a selection signal (Inherent, depending on the mode of operation the multiplexer 98 selects either the output from the CD DSP or the output from the DVD DSP, Chen column 7, lines 31-35. A multiplexer must necessarily receive a signal to switch its input selection) corresponding to an operation mode in which the entertainment apparatus operates from the entertainment apparatus, and then

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carries out either relay processing for the first mode or relay processing for the second mode in conformity with that received selection signal.

As per claim 5, Chen discloses, the relay unit according to claim 4, comprising:

A first relay processing unit for the first mode (DVD DSP 94, Chen Fig. 4);

A second relay processing unit for the second mode (CD DSP 92, Chen Fig. 4);

a control signal generator (Read channel Subsystem 90, Chen column 7, lines 9-16 and Fig. 4) configured to generate a first control signal to operate the first relay processing unit and a second control signal to operate the second relay processing unit in conformity with the selection signal (the signals generated by the Read Channel Subsystem 90, are forwarded to the CD DSP or the DVD DSP based on the operation mode, Chen column 7, lines 9-16).

As per claim 6, Chen does not appear to explicitly disclose, the relay unit according to claim 5, wherein the control signal generator comprises a pulse generator configured to generate pulses of a predetermined width when changing from

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the first mode to the second mode, or from the second mode to the first mode.

However it would have been obvious to one of ordinary skill in the art at the time of the invention, to use a pulse to toggle the multiplexer 98 to switch modes. A multiplexer, as is well known in the art, selects from a set of inputs based on an additional input and while Chen does not explicitly disclose the structure of such an input, one of ordinary skill would appreciate a variety of methods of selecting either the CD DSP or the DVD DSP inputs. Among those would most certainly be a pulse to toggle the multiplexer between the two inputs. Chen does disclose the extraction of clock information from the input media, Chen column 6, lines 11-14, suggesting that Chen's system operates synchronously and in synchronous systems, utilizing pulses as a apposed to steady state inputs is the norm.

The motivation for doing this would have been that, from Chen's disclosure, the system operates synchronously and utilizing pulses to toggle inputs is the norm in synchronous systems. Further, the use of pulses to toggle multiplexers between inputs is also well known in the art. Therefore it would have been obvious to utilize

As per claim 7 as dependent upon each of claims 1 to 6, the relay unit according to any one of claim 1 to claim 6, wherein the first mode is a normal mode in which normal operation is carried out (As DVD is the more modern format, it is seen as the so called normal mode, Chen column 5, lines 7-11); and

The second mode (As CD is the older, legacy format, it is seen as the compatible mode, Chen column 5, lines 7-11) is a compatible mode in which different operation from normal operation is carried out, assumed compatibility with other models.

Referring to claim 8, Chen discloses, an entertainment apparatus having at least a first mode (DVD mode, Chen column 6, lines 17-18) and a second mode (CD Mode, Chen column 6, lines 17-18) as operation modes;

Said entertainment apparatus comprising: reading information from a recording medium (THE DVD/CD Controller performs read channel block information on the inserted disc, Chen column 6, lines 11-16);

Determining operation mode based on the read information (the DVD CD Controller detects whether the inserted media is a CD or a DVD and if DVD mode is detected it performs operations as defined by the DVD standards, Chen column 6, lines 30-37);

Generating an operation mode selection signal in accordance with the determined operation mode (Inherent, depending on the mode of operation the multiplexer 98 selects either the output from the CD DSP or the output from the DVD DSP, Chen column 7, lines 31-35. A multiplexer must necessarily receive an signal to switch its input selection); and

Outputting the generated selection signal to the outside (Inherent, in the event that a DVD has been inserted and detected by the invention, Video and Audio playback of the DVD content would be visible on the connected display. If a CD were inserted and detected, only Audio playback from the CD would be heard, therefore the results of the selection signal would be outputted to the outside).

Referring to claim 9, similar limitations as found in claim 1 are recited. Therefore the rejection of claim 1 applies to claim 9.

Referring to claim 10, similar limitations as found in claim 8 are recited. Therefore the rejection of claim 8 applies to claim 10.

As per claim 11, Chen does not appear to explicitly disclose, the communication method according to claim 10, wherein the step of determining includes setting operation mode to the first mode when the recording medium is removed, and generating a selection signal corresponding to the first mode.

However, one of ordinary skill in the art, would recognize that as DVD is the more modern format and the so called normal operation mode of the instant invention, it would be obvious to default the selection of multiplexer would be defaulted to the DVD DSP. Further, the 2:1 multiplexer 98, when the system is powered on, would generally have a default state when the input signal was active (logic low) which would generally be the first input.

The motivation for doing so would have been that by maintaining a default state that selects the DVD processing state, the system would save switching time. A default state is inherent to a multiplexer and choosing the DVD as the default would be obvious to a designer since it is the modern format and therefore the expected input into the system. The CD support is the legacy format.

As per claim 12 as dependent upon each of claims 10 and 11, similar limitations as found in claim 2 are recited. Therefore

the rejection of claim 2 applies to claim 12.

As per claim 13, similar limitations as in claim 3 are recited. Therefore the rejection of claim 3 applies to claim 13.

Referring to claim 14, similar limitations as found in claim 8 are recited. Therefore the rejection of claim 8 applies to claim 14.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tomisawa et al. US Patent No. 7,260,036 B2 Patented on 8/21/2007 discloses a data processor used in a plurality of optical disk recording mediums.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUSHAR S. SHAH whose telephone number is (571)270-1970. The examiner can normally be reached on Mon-Fri 7:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Henry Tsai can be reached on 571-272-4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.S.

**/Henry W.H. Tsai/
Supervisory Patent Examiner, Art Unit 2184**